

FIRST REGULAR SESSION

# SENATE BILL NO. 437

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time February 5, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1755S.01I

## AN ACT

To repeal section 407.732, RSMo, and to enact in lieu thereof one new section relating to additional charges for rental vehicles.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 407.732, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 407.732, to read as follows:

407.732. 1. Any advertisement shall be nondeceptive and in plain  
2 language. Deception may result not only from a direct statement in the  
3 advertisement and from reasonable inferences therefrom, but also from omitting  
4 or obscuring a material restriction or fact.

5 2. Print advertisements that include prices for car rentals shall make  
6 clear and conspicuous disclosure of the following applicable restrictions:

7 (1) The expiration date of the price offered if it is available for less than  
8 thirty days after the last date of publication of the advertisement;

9 (2) The existence of any geographical limitations on use;

10 (3) The extent of any advance reservation or advance payment  
11 requirements;

12 (4) Airport access fee disclosure;

13 (5) The existence of any penalties or higher rates that may apply for early  
14 or late returns for weekly or weekend rentals;

15 (6) Existence of additional driver fee;

16 (7) The existence of blackout dates or specific blackout dates for location  
17 specific advertisements;

18 (8) Nonavailability of offer at all locations;

19 (9) Disclosure of mileage caps and charges;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 (10) Disclosure of collision damage waiver costs.

21 Print advertisements that include prices for car rentals, where mileage fees apply  
22 to the advertised price, shall prominently disclose this extraordinary material  
23 restriction. Print advertisements that include prices for car rentals, where a  
24 company sells collision damage waiver to the public and does not include this cost  
25 in the advertised rate, shall prominently disclose the price for collision damage  
26 waiver.

27 3. Broadcast commercials that include prices shall indicate whether  
28 substantial restrictions apply and shall include:

29 (1) The expiration date of the price offered if the advertised price is  
30 available for less than thirty days;

31 (2) Nonavailability of the advertised price in certain locations if that is  
32 the case;

33 (3) Mileage limitations and charges, if any;

34 (4) Price or price range for collision damage waiver.

35 4. Any advertised price shall be available in sufficient quantity to meet  
36 reasonably expected public demand for the rental cars advertised for the entire  
37 advertised period, beginning on the day on which the advertisement appears and  
38 continuing at least thirty days thereafter, unless the advertisement clearly and  
39 conspicuously discloses a shorter or longer expiration date for the offer, and in  
40 that event, through the expiration date. Prices may be advertised although less  
41 cars are available than would be required to meet the expected demand, as long  
42 as this limitation is clearly and conspicuously set forth in the advertisement and  
43 a reasonable number of cars are made available at the advertised price.

44 5. [Any surcharge or fee, including, but not limited to, fuel surcharges,  
45 airport access fees, and surcharges in lieu of sales tax that consumers must  
46 generally pay at any location in order to obtain or operate a rental vehicle shall  
47 be clearly and conspicuously disclosed when a price is advertised] **Additional**  
48 **charges, including fuel surcharges, airport fees, and vehicle license fees**  
49 **shall be clearly and conspicuously disclosed on the rental**  
50 **agreement. Vehicle license fees include those costs incurred by a rental**  
51 **company to license, title, inspect, register, plate, and pay personal**  
52 **property taxes on rental vehicles. Any time a rental price is advertised,**  
53 **the maximum daily amount of each additional charge shall be quoted**  
54 **in addition to the daily rate.**

55 6. A photograph of a rental car shall not be used in a price advertisement

56 unless the advertisement clearly and conspicuously discloses, in immediate  
57 proximity to the photograph, the cost to rent the car depicted. A photograph of  
58 a rental car shall not be used in an advertisement if the advertisement states  
59 directly or by implication that the automobile depicted may be rented under  
60 certain conditions and that is not the case.

61 7. Any price advertised as a "daily price" or "price per day" shall be  
62 available for rentals of a single day or more, and any price advertised as a  
63 "weekly" rate shall be available for the first week and for subsequent weeks of the  
64 same rental. A rental company shall not charge more than a weekly price which  
65 was advertised if a customer on a weekly rental returns the car earlier than  
66 seven days. A price advertised as a "weekend rate" shall be available on both  
67 Saturday and Sunday.

68 8. Any car rental advertising promotion which extends a free offer or  
69 promises a gift or other incentive shall clearly and conspicuously disclose all the  
70 terms and conditions for receiving the offer, gift or incentive. A gift, incentive,  
71 or other merchandise or service shall not be advertised as free, if the cost of the  
72 item, in whole or in part, is included in the advertised rental rate. If the gift or  
73 offer is provided by a third party, the car rental company shall be fully  
74 responsible for providing the gift or offer under the terms and conditions  
75 disclosed.

76 9. A rental car shall not be advertised using the words "unlimited  
77 mileage" or other terms that suggest there are absolutely no mileage restrictions  
78 on the use of the rental vehicle only unless there are no geographical restrictions  
79 on the use of the vehicle.

80 10. At the time of the car rental transaction, the car rental company shall  
81 disclose the following:

- 82 (1) The total cost, including any airport access fees;
- 83 (2) Geographical limitations;
- 84 (3) Advance reservation or payment requirements;
- 85 (4) Penalties or higher rates that may apply for early or late returns for  
86 weekly or weekend rentals;
- 87 (5) Cost of additional driver fee;
- 88 (6) Blackout dates.